

S/N 10/666,793

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel J. Matthews, et al.

Examiner: Kimbleann C. Verdi

Serial No.: 10/666,793

Group Art Unit: 2194

Filed: Sep 18, 2003

Docket No.: GB920020065US1

Title: MANAGING TRANSACTIONS IN A MESSAGING SYSTEM (AS
AMENDED)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop After Final
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests review of the final rejection mailed on 10/15/2008 for the above-identified application. No amendments are submitted with this request. This request is being filed with a Notice of Appeal.

Applicant submits that the Examiner has omitted one or more essential elements needed for *prima facie* rejections under 35 U.S.C. §103. In particular, the cited references do not disclose or suggest all the elements of each rejected claim. Additionally, there is no teaching or suggestion to combine the cited references. Applicant also notes that the Examiner does not present new rejections under 35 U.S.C. §101, but does present new comments with respect to subject matter patentability of claims 13-24. The discussion below addresses each of these points.

The rejections of the claims cannot stand because of the following points: 1) the Office erroneously assembles unrelated sections from the references into a combination that still fails to disclose or suggest all of the claim limitations, 2) the Office proffers arguments for modifying/combining the references that nullify at least some of the rejection arguments, and 3) the Office fails to address actual language in the claims. Despite the misleading accusation by the Examiner in the final rejection that Applicant did not properly respond, Applicant provided a proper, full response in the Amendment filed on 11-June-2008 ("Response"). Applicant argues the first point in the first full paragraph of page 18 of the Response. Applicant argues the second point at page 18, second paragraph to page 19, line 8. Applicant argues the third point in the first

full paragraph of page 19. For the reasons already provided in the Response, none of the rejections are proper and should be withdrawn.

Conclusion

Applicant respectfully requests review of the final rejection in the above-identified application, as the Examiner has omitted has or more essential elements needed for a prima facie rejection. The Examiner is invited to telephone Applicant's attorney at 281-758-0025 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0447.

Respectfully submitted,

Daniel J. Matthews, et al.

By their Representatives,

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Date 12/30/2008

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